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REFORM NOT RENEWAL

THE US-UK MUTUAL
DEFENCE AGREEMENT,
HOW IT WORKS, AND WHY
IT NEEDS TO BE REFORMED

SUMMARY BRIEFING

The US-UK Mutual Defence Agreement (MDA) is the main agreement between the UK and the USA allowing co-operation on the development of nuclear weapons. It was first signed in 1958 to allow the exchange of classified nuclear information, nuclear weapon technology, and scientific expertise, with the aim of helping both nations to develop their nuclear weapons systems. The Agreement—a formal treaty between the two nations—has been amended a number of times over its 56 year history, and most recently has been renewed on a regular ten year cycle to allow arrangements for the transfer of special nuclear materials and non-nuclear components of nuclear weapons to be extended.

The Mutual Defence Agreement was last renewed on 14 June 2004 in Washington and is scheduled to be renewed again in 2014. The Agreement will be extended until December 2024.

To all appearances the current government intends to follow the practice of its predecessors and push renewal of the Mutual Defence Agreement through with minimal Parliamentary oversight, rather than allowing debate and discussion on the aims and consequences of renewing the treaty.

US - UK NUCLEAR CO-OPERATION OVER THE PERIOD 2014-2024

Significant new developments are planned in the nuclear weapons programmes of both the UK and the USA over the next ten year period from 2014 to 2024, and renewal of the Mutual Defence Agreement will be an important step in allowing the two nations to co-operate in delivering these programmes. Collaboration is expected to take place in the following areas:

- Nuclear warhead development and modernisation, including the current UK Trident warhead upgrade programme and studies intended to inform a future decision to whether to develop a new warhead design to replace the current Trident warhead.
- Submarine reactor design and development, including co-operation on development of a new reactor for the planned 'Successor' Trident replacement submarine.
- Exchange of special nuclear materials, particularly procurement from the USA of tritium required in nuclear warheads and highly enriched uranium submarine reactor fuel.
- Warhead stockpile stewardship research.
- Construction of new nuclear infrastructure, including a major investment programme at the Atomic Weapons Establishment which will allow construction of new generation warheads.

HOW THE MUTUAL DEFENCE AGREEMENT WORKS

The Mutual Defence Agreement allows a series of technical exchanges to take place between the Atomic Weapons Establishment, where Britain's nuclear weapons are designed and manufactured, and laboratories and sites in the USA which are involved in the American nuclear weapons programme. The Los Alamos National Laboratory, Lawrence Livermore National Laboratory, and Sandia National Laboratories are the key US institutions involved in these exchanges.

More than 1,500 visits by AWE staff were made to 48 different US nuclear facilities between 2007 and 2009. Such visits and exchanges allow scientists to share data, expertise, and equipment and review each others' work and calculations. The scientific appetite of the nuclear laboratories is a major driver underpinning both the Mutual Defence Agreement and broader co-operation between the USA and UK over nuclear weapons.

LEGAL OBJECTIONS TO RENEWAL OF THE MUTUAL DEFENCE AGREEMENT

The Mutual Defence Agreement and the relationship and activities that it enables suggest that the USA and the UK share an ongoing and indefinite commitment to collaborate on nuclear weapons technology which is not compatible with their obligations as signatories to the Treaty on

the Non-Proliferation of Nuclear Weapons (NPT).

In a legal opinion released in July 2004, Rabinder Singh QC and Professor Christine Chinkin of Matrix Chambers concluded that "it is strongly arguable that the renewal of the Mutual Defence Agreement is in breach of the Nuclear Non-Proliferation Treaty". They reasoned that "assertions about the importance of renewal of the Mutual Defence Agreement are not in conformity with the obligations of Article VI and the commitments made in the 2000 Review Conference".

CONCLUSIONS

Co-operation through the Mutual Defence Agreement assists both nations in modernising and improving their existing nuclear weapons and developing new nuclear weapon systems, but in so doing serves to boost the proliferation of nuclear arms. As well as directly allowing the US and UK to advance their own nuclear capabilities, such co-operation undermines the norms which underpin the international treaties designed to control the spread of nuclear weapons.

Most of the activities conducted under the Mutual Defence Agreement are cloaked in secrecy, and lawmakers have only the most limited of opportunities to review and scrutinise work conducted under the terms of the Agreement. The nuclear relationship between

the USA and the UK is not a partnership of equals. The UK relies on unique US facilities and capabilities for support to the extent that its nuclear weapons programme cannot be regarded as technically independent from the USA.

Co-operation under the terms of the Mutual Defence Agreement appears to be expanding. As work conducted under the terms of the Agreement expands, so too should measures to allow elected representatives to control and oversee such work.

RECOMMENDATIONS

- Work should begin now towards the long term aim of reforming the Mutual Defence Agreement so that it is seen to reinforce the NPT, rather than undermine it, by increasing US -UK co-operation on disarmament verification, confidence building measures, and decommissioning instead of collaboration on the development of new nuclear weapons.
- The Mutual Defence Agreement should be extended for an interim period of just five years, until December 2019, rather than the customary ten years, to quell suspicions that work undertaken through the Agreement is pre-empting key Parliamentary decisions relating to design of a new nuclear warhead.
- The government should publish a legal opinion to show how it considers the Mutual Defence Agreement can be extended without breaching the NPT.
- There should be a Parliamentary debate on renewal of the Mutual Defence Agreement in government time.
- The amended Agreement, together with appendices, should be published when it has been signed by both governments.
- The US and UK governments should produce an unclassified joint annual report to Parliament and Congress on activities undertaken under the auspices of the Mutual Defence Agreement and the related Polaris Sales Agreement.

For more information read the full report 'Reform Not Renewal' which can be downloaded at www.nuclearinfo.org

Nuclear Information Service is a not-for-profit, non-government information service which works to promote public awareness and foster debate on the risks and costs of the UK's military nuclear programme.

nuclearinfo.org
info@nuclearinfo.org

0118 327 7489

Nuclear Information Service
Ibex House
85 Southampton Street
Reading
RG1 2QU